

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Mark One Wipes, LLC,

Case No. 3:22-cv-258

Plaintiff,

v.

ORDER

Alston & Bird, LLP, *et al.*,

Defendants.

On February 15, 2022, Plaintiff Mark One Wipes, LLC filed suit against Defendant Alston & Bird LLP as well as multiple individual Defendants. (Doc. No. 1). In the Complaint, Plaintiff asserted this court had original diversity jurisdiction over this matter. (*Id.* at 3).

For a district court to have original diversity jurisdiction over a case, complete diversity must exist between the parties to the dispute. 28 U.S.C. § 1332(a). To satisfy the diversity jurisdiction requirements, the dispute must be between citizens of different states. 28 U.S.C. § 1332(a)(1). “[A] limited liability company has the citizenship of each of its members.” *Delay v. Rosenthal Collins Grp., LLC*, 585 F.3d 1003, 1005 (6th Cir. 2009). “[A] limited partnership is deemed to be a citizen of every state where its general *and* limited partners reside.” *Hooper v. Wolfe*, 396 F.3d 744, 748 (6th Cir. 2005) (emphasis in original).

In the Complaint, Plaintiff stated it is an Ohio LLC and that all of its “owners” are citizens of Ohio. (Doc. No. 1 at 3). Setting aside any difference between an “owner” and a “member,” this general assertion is insufficient. Instead, “the court needs to know the citizenship of each member of the company.” *Delay*, 585 F.3d at 1005. Therefore, Plaintiff must identify each of its members, as

well as any sub-members. For each member and sub-member, Plaintiff must also state jurisdictional allegations sufficient for me to determine the citizenship of the member. For example, if a member is a corporation, Plaintiff must state the place of incorporation and principal place of business of that member.

The same applies to those jurisdictional allegations related to the citizenship of Defendant Alston & Bird LLP. Plaintiff listed the principal place of business and office locations of this limited liability partnership. (Doc. No. 1 at 4). Plaintiff also stated its belief that “none of the partners of the firm are citizens of Ohio.” (*Id.*). But like Plaintiff’s members, the limited and general partnerships and their citizenships must be known to determine the citizenship of the limited liability partnership.

To maintain this action in federal court, Plaintiff shall file an affidavit of jurisdiction within 28 days of the filing of this order. In the affidavit, Plaintiff shall list its members and any sub-members and state all information necessary for me to determine the citizenship of each. Plaintiff shall also list the general and limited partners of Defendant Alston & Bird LLP and provide the information necessary for me to determine the citizenship of each. I encourage the parties to meet and confer to expedite submissions necessary for me to make an appropriate jurisdictional determination.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge